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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,843	02/06/2004	Neil Duncan Hunt	56055-0024	8524

29989 7590 03/27/2007  
 HICKMAN PALERMO TRUONG & BECKER, LLP  
 2055 GATEWAY PLACE  
 SUITE 550  
 SAN JOSE, CA 95110

EXAMINER
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ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/773,843

Applicant(s)

HUNT ET AL.

Examiner

James H. Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-109 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to methods, media and apparatus for estimating how particular user would rate a particular item from a plurality of items, classified in class 705, subclass 26.
- II. Claims 7-87, drawn to methods, media and apparatus method for estimating how a particular user would rate a particular item from a plurality of items, classified in class 705, subclass 26.
- III. Claim 88-99, drawn to apparatus configured to: generate an estimation of how a particular user would rate a particular item from a plurality of items, classified in class 705, subclass 26.
- IV. Claim 100-106, drawn to an apparatus comprising: a plurality of processes assigned to generate a plurality of estimated ratings of how users would rate items from a plurality of items, wherein generating an estimate of how a particular user would rate a particular item from the plurality of items, classified in class 705, subclass 26.
- V. Claims 107-109, drawn to methods, media and apparatus for estimating how a particular user would rate a particular item from a plurality of items, classified in class 705, subclass 26.

**Invention I and Invention II** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention I has separate utility such as  
selecting a set of other users from a plurality of other users based upon user selection criteria;

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention I and Invention III** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention I has separate utility such as  
selecting a set of other users from a plurality of other users based upon user selection criteria;

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention I and Invention IV** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention I has separate utility such as

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selecting a set of other users from a plurality of other users based upon user selection criteria;

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention I and Invention V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention I has separate utility such as

selecting a set of other users from a plurality of other users based upon user selection criteria;

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention II and Invention III** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention IV has separate utility such as

... a plurality of **processes** assigned to generate a plurality of estimated ratings of how users would rate items from a plurality of items, wherein generating an estimate of how a particular user would rate a particular item from the plurality of item

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject

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matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention II and Invention IV** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention IV has separate utility such as

a plurality of **processes assigned** to generate a plurality of estimated ratings of how users would rate items from a plurality of items, wherein generating an estimate of how a particular user would rate a particular item from the plurality of items is performed

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention II and Invention V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention V has separate utility such as

identifying one or more items from the plurality of items that are similar to the particular item by associating semantic feature values with the plurality of items and the particular item, where each feature type has a match-score and a mismatch-score, either of which may be positive, zero, or negative, and scoring the similarity of items is performed by finding the features that have matching values and summing the associated match-score, and finding the features that have mismatched values and summing the associated mismatch-score, wherein items with a summed similarity score above a specified threshold are considered similar or the specified number of items with the highest similarity score are considered similar;

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject

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matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention III and Invention IV** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention IV has separate utility such as

a plurality of **processes assigned** to generate a plurality of estimated ratings of how users would rate items from a plurality of items, wherein generating an estimate of how a particular user would rate a particular item from the plurality of items is performed

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention III and Invention V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention V has separate utility such as

identifying one or more items from the plurality of items that are similar to the particular item by associating semantic feature values with the plurality of items and the particular item, where each feature type has a match-score and a mismatch-score, either of which may be positive, zero, or negative, and scoring the similarity of items is performed by finding the features that have matching values and summing the associated match-score, and finding the features that have mismatched values and summing the associated mismatch-score, wherein items with a summed similarity score above a specified threshold are considered similar or the specified number of items with the highest similarity score are considered similar;

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject

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matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

**Invention IV and Invention V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d).

In this case, Invention V has separate utility such as

identifying one or more items from the plurality of items that are similar to the particular item by associating semantic feature values with the plurality of items and the particular item, where each feature type has a match-score and a mismatch-score, either of which may be positive, zero, or negative, and scoring the similarity of items is performed by finding the features that have matching values and summing the associated match-score, and finding the features that have mismatched values and summing the associated mismatch-score, wherein items with a summed similarity score above a specified threshold are considered similar or the specified number of items with the highest similarity score are considered similar;

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter and the search for one is not required for the other, restriction for examination purposes as indicated is proper.

### ***Election Required***

Applicant is advised that the reply to this requirement to be complete ***must*** include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not



distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

### ***Conclusion***

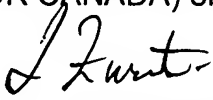
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**James Zurita**  
**Primary Examiner**  
**Art Unit 3625**  
23 March 2007

  
**JAMES ZURITA**  
**PRIMARY EXAMINER**